

The City Council met in regular session at the hour of 8:35 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Police Chaplain Mike Shelton gave the invocation, and Councilmember Calhoun led the Pledge of Allegiance to the Flag.

PROCLAMATION OF TEEN PREGNANCY PREVENTION MONTH - PRESIDENT BOYAJIAN AND COUNCILMEMBER STERLING

PROCLAMATION OF EOC FOSTER GRANDPARENT PROGRAM DAY - MAYOR AND CITY COUNCIL

PROCLAMATION OF MOTHERS AGAINST DRUNK DRIVERS (MADD) - MAYOR AND CITY COUNCIL

PROCLAMATION OF PEACE OFFICERS' MEMORIAL DAY - MAYOR AND CITY COUNCIL

a. RESOLUTION - RELATING TO RECOGNITION OF THE AMERICAN FLAG AND FORMALIZING PROTOCOL FOR FLYING AT HALF MAST - COUNCILMEMBER PEREA - (Resolution adopted after the Consent Calendar)

The above proclamations were read and presented.

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APPROVE MINUTES:

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of April 29, 2003, approved as submitted.

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APPROVE AGENDA:

(5-A) DIRECT STAFF TO RETURN NO LATER THAN 90 DAYS (BY AUGUST 19TH) WITH A FULL REPORT TO COUNCIL EXPLAINING THE IMPACT ON THE CITY OF THE EXPIRATION OF MEASURE C IN 2006. REPORT SHOULD CONTAIN, BUT NOT BE LIMITED TO, INFORMATION ON THE IMPACT TO PUBLIC TRANSPORTATION, NEIGHBORHOOD INFRASTRUCTURE AND MAJOR ROAD REPAIRS - COUNCILMEMBER DUNCAN

Laid over one week by Councilmember Duncan.

(1-F) APPROVE THE SALE OF A SMALL ABANDONED WELL SITE AT ROBINSON AND FREEWAY 41 TO AN ADJACENT OWNER

City Clerk Klisch corrected the location to Robinson and Freeway 168, not Freeway 41. So noted.

hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Dages, Perea, Sterling, Boyajian
Noes : None
Absent : None

ADOPT CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2003-133 - AUTHORIZING AN EXTENSION OF THE AGREEMENT BETWEEN THE CITY OF FRESNO AND CALIFORNIA DEPARTMENT OF JUSTICE FOR THE NATIONAL INCIDENT BASED REPORTING SYSTEM (NIBRS)

(1-B) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO BADGER METER, INC., OF MILWAUKEE, WISCONSIN, IN THE AMOUNT OF \$115,507.16 FOR COMPOUND AND FIRE SERVICE METERS

(1-C) AWARD A CONTRACT TO AMERICAN PAVING CO. OF FRESNO IN THE AMOUNT OF \$164,740.30 TO WIDEN JENSEN AVENUE BETWEEN WEST AVENUE AND THE HUGHES AVENUE ALIGNMENT

(1-F) APPROVE THE SALE OF A SMALL ABANDONED WELL SITE AT ROBINSON AND FREEWAY 168 TO AN ADJACENT PROPERTY OWNER FOR A TOTAL PRICE OF \$50.00, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, OR ASSISTANT DIRECTOR, TO EXECUTE ALL SALE DOCUMENTS AND QUITCLAIM DEED TO COMPLETE THE TRANSACTION

(1-G) APPROVE REQUEST FORM GRANITE CONSTRUCTION TO SUBSTITUTE S&P HANSON LANDSCAPING WITH SUNSET LANDSCAPING AS SUBCONTRACTOR FOR THE HERNDON AVENUE WIDENING, PALM TO WEST PROJECT

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Dages, Perea, Sterling, Boyajian
Noes : None
Absent : None

(8:30 A.M. "a") RESOLUTION NO. 2003-134 - RELATING TO RECOGNITION OF THE AMERICAN FLAG AND FORMALIZING PROTOCOL FOR FLYING AT HALF MAST - COUNCILMEMBER PEREA

Reviewed by Councilmember Perea who stated he brought this item forward at the request of Deputy Sheriff Fitzgerald; noted there were currently no rules of protocol relative to when the flag is flown at half mast and explained; added the resolution also clarified and affirmed the City's long-standing tradition of reciting the Pledge of Allegiance at City Hall; and made a motion to adopt the resolution. Upon question of President Boyajian, City Attorney Montoy advised the resolution was appropriate from a legal standpoint and clarified the resolution would put the City's practice regarding displaying the flag and reciting the Pledge in a formal policy.

City Manager Hobbs added there had been an administrative order on the protocol but it was rescinded in 1998, and General Services Director Nerland advised of the City's current practice and protocol.

Barbara Hunt, 2475 S. Walnut, spoke in support.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2003-134 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Dages, Perea, Sterling, Boyajian
Noes : None

Absent : None

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Clovis City Councilmember Masig was recognized and welcomed.

(9:00 A.M.) PRESENTATION OF PRIDE TEAM CERTIFICATES FOR SPRING QUARTER

Certificates of Appreciation were presented to: Joe Gonzalez, Airports; Jeff Hilton, Convention Center; Terri Saldivar and Shana Nero, Finance Department; Susan Derpinghaus, Fire Department; Willie Dixon and Tom Preble, Fresno Area Express (FAX); Dave Helzer and Michael Sanchez, General Services Department; Steven Pulliam, HECD; Michael Bonner, Raj Nagra, Barbara Onieu, Allen Smith and Steve Soliz, Information Services Department; Thomas Ruiz, Parks, Recreation and Community Services Department; MaryAnn Haynes and Rose Miranda, Personnel Services Department; Paul Bernal and John Peyton, Planning & Development Department; Judy Carvalho, Neal Ervin, Keia Madden and Desiree Perry, Police Department; Arturo Alvarez, Roberta Blau, Jon Erickson, Lynn Gerard, Steve Payne and Mitchell Wallace, Public Utilities Department; and Glenn Ashmore, Ernie Garcia, Juanita Garcia and Wayne Garvis, Public Works Department. A reception was held immediately following to honor the employees.

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RECESS - 10:02 A.M. - 10:27 A.M.

CONTESTED CONSENT CALENDAR:

(1-E) RESOLUTION NO. 2003-135 - APPROVING THE FINAL MAP OF TRACT NO. 5048 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE WEST SIDE OF N. WILLOW BETWEEN E. SHEPHERD AND E. PERRIN AVENUE

Barbara Hunt, 2475 S. Walnut, expressed concerns relative to street directional designations, taking county land, and the multiple actions involved in the matter and not listed on the agenda.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-135 hereby adopted; the Public Works Director authorized to execute the Subdivision Agreement; and the Planning and Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the Time of Issuance of Occupancy and Creation of Lien, the Statement of Covenants Affecting Land Development to Plant and Maintain Front Yard Trees, and the Statement of Covenants Affecting Land Development for Right to Farm, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-D) APPROVE AGREEMENT WITH THE COALITION FOR URBAN RENEWAL EXCELLENCE (C.U.R.E.) FOR \$600,000 IN HOME FUNDS AS CONSTRUCTION SUBSIDIES FOR 20 IN-FILL HOUSES

Upon the request of Councilmember Calhoun, President Boyajian, City Manager Hobbs and CURE Project Manager Nathan Masig spoke to CURE's mission, the City's relationship with CURE and how it was working, how funds were being utilized, if more of these types of housing projects would be coming forth, and what City staff was doing and what Mr. Stacy and the Housing Authority was doing. Planning and Development Director Yovino added CURE would be able to move quickly in providing the 20 homes over the next two years and requested approval.

Discussion ensued with Housing Manager Elizondo, Mr. Masig and Mr. Yovino responding to questions, comments and/or concerns of Councilmember Dages, President Boyajian and Councilmember Calhoun relative to whether Mr. Cisneros'

self help project would be affected by the use of these funds **(3 - 0)**, the money being disbursed on a project by project basis and not all at one time, need for educational seminars/classes for home buyers on home ownership, if it was possible to include seminars/classes in the contract, if this issue was different from the project Council approved a few months ago relative to purchasing vacant properties to build homes on, ongoing concern with where the funds go and moving funds "all over the place", and this project being a part of the City's overall housing effort. A motion was made to approve staff's recommendation and brief discussion ensued on staff working with CURE to provide assistance to home buyers, the self-help project, and this project being backed by the Building Industry Association.

Barbara Hunt, 2475 S. Walnut, expressed concerns/presented questions relative to the 20% housing set aside funds, how people qualified for affordable housing, and need to put the project out to bid/open the process up to local developers.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, with the understanding of the potential for non-substantive changes to the Agreement as it proceeds through the City's established processes, the Agreement with C.U.R.E. hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-03-03 AND ENVIRONMENTAL FINDINGS, FILED BY LARS ANDERSEN & ASSOCIATES FOR JAMIE BRATTON, BRYAN THOMPSON AND STEVEN GARY ROSS, PROPERTY LOCATED SOUTH OF W. SHIELDS AVENUE, NORTH OF W. CLINTON AVENUE (AND W. OF PRINCETON AVENUE), WEST OF N. VALENTINE AVENUE AND EAST OF N. BRAWLEY AVENUE (*DISTRICT 3*)

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. VTM-5145, R-03-03

2. **BILL NO. B-38 - ORDINANCE NO. 2003-36** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planner Brock reviewed the issue as contained in the staff report as submitted and responded briefly to questions of President Boyajian relative to the proposed project/subdivision.

Barbara Hunt, 2475 S. Walnut, expressed concern relative to the street directional designations. Councilmember Calhoun briefly left the meeting at 10:53 a.m.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of President Boyajian, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. VTM-5145/UGM, R-03-03 dated March 20, 2003, hereby approved, and the above entitled Bill No. B-38 rezoning the subject site adopted as Ordinance No. 2003-36, by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : Calhoun

(10:15 A.M. #1) HEARING ON REZONING APPLICATION NO. R-02-49 AND ENVIRONMENTAL FINDINGS, FILED BY NEW COVENANT COMMUNITY CHURCH AND GEORGE AND CAMILLA GOODALL, PROPERTY LOCATED NORTH OF E. NEES BETWEEN N. ROWELL AND N. MAPLE AVENUES (*DISTRICT 6*)

1. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-02-49
2. **BILL NO. B-39 - ORDINANCE NO. 2003-37** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT

PROPERTY FROM AE-20/UGM TO R-1/UGM

Councilmember Calhoun returned to the meeting at 10:55 a.m. President Boyajian announced the time had arrived to consider the issue and opened the hearing, and Planner Glaser advised the staff report as submitted was complete.

Barbara Hunt, 2475 S. Walnut, spoke to the issue. Acting President Castillo briefly left the meeting at 10:55 a.m.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Duncan spoke briefly in support stating this was routine and would bring the property into compliance with the 2025 General Plan.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED Environmental Assessment No. R-02-49, dated December 26, 2002, resulting in the filing of a Negative Declaration on December 31, 2002, hereby approved; and the above entitled Bill No. B-39 rezoning the subject property adopted as Ordinance No. 2003-37, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : Castillo

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(10:15 A.M. #2) HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY FOR FEE TITLE ACQUISITION OF A PARCEL OF LAND AT THE SOUTHEASTERLY CORNER OF VAN NESS AVENUE AND INYO STREET (760 VAN NESS - APN 468-253-16), OWNED BY CLIFFORD H. TUTELIAN, AN UNMARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY

1. * RESOLUTION NO. 2003-136 - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF THE PARCEL FOR PUBLIC PARKING IN THE DOWNTOWN AREA AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Senior Real Estate Agent Balch reviewed the issue as contained in the staff report as submitted and recommended adoption of the resolution. Acting President Castillo returned to the meeting at 10:59 a.m.

Barbara Hunt, 2475 S. Walnut, spoke in opposition to eminent domain.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Mr. Balch and Transportation Manager Madwell responded to questions of Acting President Castillo and President Boyajian relative to negotiations, offer to the Naman Trusts, why an additional appraisal was required, if there had been any discussion on who would construct the parking lot, what the public interest and necessity was and why the acquisition was for the public good, and if acquisition of the parcel was an important piece of the puzzle for the downtown parking plan.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2003-136 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(10:20 A.M.) HEARING ON REZONING APPLICATION NO. R-03-06 AND ENVIRONMENTAL FINDINGS, FILED BY PERRY DICTOS, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF W. SPRUCE AVENUE AND N. HAYES AVENUE (DISTRICT 2)

1. CONSIDER AND ADOPT THE CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-03-06
2. **BILL NO. B-40 - ORDINANCE NO. 2003-38** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-2/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing, and Planner Glaser advised the staff report as submitted was complete.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

Councilmember Calhoun stated he supported the issue and noting there was no proposal for the property at this time requested "cz" be attached to the zoning so area residents would be noticed when a proposal comes forth. Planning Manager Beach and City Attorney Montoy advised there was no need for "cz" as noticing was already a requirement.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, Environmental Assessment No. R-03-06, dated March 11, 2003, resulting in the issuance of a Class 32 Categorical Exemption hereby approved, and the above entitled Bill No. B-40 rezoning the subject property adopted as Ordinance No. 2003-38, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None

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(10:30 A.M.) DISCUSS AND DIRECTION TO STAFF REGARDING FREE PARKING AT METERS, STADIUM, CONVENTION CENTER AND ANY CITY-OWNED PARKING GARAGE FOR ZERO EMISSION VEHICLES - COUNCILMEMBER PEREA

Councilmember Perea advised he spoke on a panel last week in Sacramento at the League of California Cities on air quality and noted the American Lung Association's annual report released that day showed Fresno had the second worst air in the nation; stated although Fresno was ranked as the second worst it was also being recognized as becoming a leader in solving its air problems and explained; advised this proposal was something Los Angeles has done and he felt this was a great idea and something Fresno should try, and made a motion to direct the Transportation Department to bring back in 60 days a Clean Air Vehicle Free Parking Program and implementation plan that would apply to zero emission vehicles (ZEVs) and super- ultra-low emission vehicles (SULEVs) and, in addition, any vehicle that runs on alternative fuel, and clarified this would be a one year pilot program and would be discussed/reviewed at the end of one year.

City Manager Hobbs and Transportation Director Lagos spoke to the issue and to the City's efforts and initiatives that are currently taking place. President Boyajian and Councilmember Perea questioned how the City's efforts tied into this issue, it was recognized the City was doing a lot and other proposals had been made, and a recommendation was made to schedule a workshop for full discussion on the City's initiatives.

Speaking to the issue were: Gloria Torrez who stated high occupancy vehicles (HOVs/buses) needed to be included in the plan, spoke to the need for clean air diesel buses (which addresses emissions, performance and cost effectiveness), stated there were no zero emission vehicles yet, questioned what incentives were being offered to regular transit passengers, stated tax incentives should make riding FAX affordable, and spoke to the need for better service and installation of lights at bus stops **(4 - 0)**; and Barbara Hunt, 2475 S. Walnut, who questioned why free parking was being proposed after all the meters were reinstalled and explained.

Transportation Manager Madewell responded briefly to questions of Councilmember Dages relative to the free parking given to Pearl Harbor survivors and what procedure would be followed in identifying ZEV's, and Councilmember Dages seconded Councilmember Perea's motion.

Lengthy discussion ensued. President Boyajian spoke in support of the motion noting San Francisco had also done this and this was the type of thing the city had to do and it showed leadership. Councilmember Calhoun spoke in opposition stating this was "nickle and dimeing" a major issue, spoke in support of a workshop, stated the City's RACMs were a major step in the

right direction, stressed all the issues needed to be put on the table for a debate with public participation, and stated he could not support individual efforts, suggested this issue be moved forward along with all the other recommendations, and requested the motion be changed to schedule a workshop and address all the air pollution issues. Councilmember Perea stated he would keep his motion as is and clarified he was only asking staff to come back with a plan and Council would then decide whether or not to implement it. Councilmember Duncan stated this was an interesting concept and complimented Councilmember Perea for bringing it forward, stated staff coming back with a report and recommendation was appropriate and he was supportive of that, questioned if alternative funding sources, other than the City's parking fund, would be looked at (with Mr. Madewell responding), noted the plan only talked about ZEVs and SULEVs and stated his research had shown those were not common cars and explained and stated the parameters/categories needed to be looked at and modified if necessary to better understand the cost impact, and requested staff isolate the potential stadium revenues in their report back stating those funds were critical to the stadium financing plan. Acting President Castillo commended Councilmember Perea as the junior council member for all his efforts in the air pollution issue, spoke to the goal of asking the federal government for \$3 million in federal aid to help clean the air and stated he felt Councilmember Perea's proposal was well in line as he doubted the government would be handing out pots of money to anyone who was not willing to do something for themselves first, and questioned which RACMs had been implemented, with Mr. Madewell responding.

Relative to Councilmember Duncan's request to include other categories besides ZEVs and SULEVs, Councilmember Perea clarified his motion did include all other vehicles that are powered by alternative fuel.

On motion of Councilmember Perea, seconded by Councilmember Dages, duly carried, **RESOLVED**, the Transportation Department directed to bring back in 60 days a Clean Air Vehicle Free Parking 1-Year Pilot Program and implementation plan that applies to Zero Emission Vehicles (ZEVs), Super-Ultra-Low Emission Vehicles (SULEVs) and any other vehicle that runs on alternative fuel, by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : Calhoun
Absent : None

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(10:45 A.M.) APPEARANCE BY CHRISTIAN OGBADO TO REQUEST COUNCIL'S SUPPORT OF THE FRESNO STATE MEN'S SOCCER TEAM REMAINING AN ATHLETIC TEAM AT FRESNO STATE

Along with Mr. Ogbado, Mario Sanchez, Assistant Soccer Coach, and Randall Smith, Valley Soccer Federation, also requested Council support the reinstatement by sending a letter (as Acting President Castillo did), and spoke briefly to the business plan that was put in place. Council members expressed their support for the team and spoke to what the team means to Fresno State and the valley. Councilmembers Perea, Dages and President Boyajian stated they would write letters, commended the team, and presented questions relative to the business plan and what it was going to take to retain the program, with Mr. Smith responding. Marvin Sorto (born in El Salvador) spoke to his background, to his college experience, and to what soccer has meant and done for him. There was no further discussion.

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LUNCH RECESS - 12:05 P.M. - 2:06 P.M.

(2:00 P.M.) STUDY SESSION RELATING TO RULES AND PROCEDURE FOR CITY COUNCIL MEETINGS

1. RESOLUTION NO. 2003-137 - ESTABLISHING RULES OF PROCEDURE FOR THE CITY COUNCIL AND RESCINDING RESOLUTION NO. 97-222

City Attorney Montoy briefly reviewed the background of the issue and recommended process/procedure to adopt the rules.

Rule 5c:

141-186

5/6/03

Councilmember Dages made a motion to change Rule 5c to specify "no more than 3 items" (instead of two), which motion was seconded, amended, and acted upon after discussion **(5 - 0)**.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, Rule 5c amended adding the italicized wording: "Each Councilmember shall place no more than two items on the Agenda, *excluding Proclamations and Consent Calendar items.*", by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

Relative to the public comment process, Ms. Montoy clarified speakers would be allowed three minutes to speak on all the rules at one time.

Gloria Torrez expressed concerns and/or spoke to various rules stating the public (besides Council) should also have the right to place items on the agenda, be allowed to voice their opinion on any item on the agenda, the public comment period should include all parts of the agenda, emergency ordinances and concern with pushing the item through, and allowing the public to comment at all meetings on any issue and not be barred from voicing their opinion. Barbara Hunt, 2475 S. Walnut, spoke to Rule 11g relative to provoking others to violent or riotous behavior and questioned if that applied to Council also, with President Boyajian responding.

Rule 5d:

Councilmember Dages expressed concern with Rule 5d, specifically Council submitting requests for a timed item at least 10 days before the meeting date. Discussion ensued on the need to limit timed items, instances when timed items are necessary, 10 days being too long a period, and clarification on reasons for the rule. Councilmember Dages made a motion to amend the second sentence of Rule 5d to eliminate the 10 day wording, and add "...with Council President approval." at the end of the third sentence. Brief discussion ensued.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, Rule 5d amended as follows: (1) The second sentence to read: "Any requests for a timed item shall be submitted to the City Clerk." (eliminating the 10 day wording); and (2) adding the wording "...with Council President approval." at the end of the third sentence, by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling
Noes : Calhoun, Boyajian
Absent : None

Rule 5g:

Councilmember Dages spoke briefly to Rule 5g and reason for his requested amendment.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, Rule 5g amended by adding a third/last sentence to read: "The City Clerk shall notify the elected Councilmember or department of any changes prior to the printing of the agenda.", by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

Rule 6a:

141-187

5/6/03

Councilmember Dages spoke to Rule 6a and requested *Scheduled and Unscheduled Communications* be added under the "Public Comment Period", and that the "Public Comment Period" be moved higher in the order, or at a certain time, instead of at the end of the meeting stating he felt it was unfair to the public to wait all day to speak. Ms. Montoy clarified those subsections should have been listed under "Public Comment Period" and would be added. Discussion ensued on setting public

comment at a certain time, it was determined that period would be left up to the Council President to decide when to hear it as is the current practice, and Councilmember Dages withdrew his request.

Rules 9f and 11c:

Councilmember Dages spoke briefly to Rules 9f and 11c stating they conflicted, with Ms. Montoy concurring and stating Rule 9f was redundant and could be deleted.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, Rule 9f hereby deleted, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None

Rule 11b:

Councilmember Dages stated he felt the entire rule should be deleted as Council members do this already (don't speak when they choose not to). Councilmember Calhoun explained the reasoning for the rule was to streamline meetings, noted there was a feeling that every member had to speak on all items, stated he felt this was a reasonable rule and to eliminate it would be saying it was not important, and requested the rule be left in as a goal whether it is achieved or not, with Councilmember Sterling concurring.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, Rule 11b hereby deleted, by the following vote:

Ayes :	Castillo, Dages, Perea, Boyajian
Noes :	Calhoun, Duncan, Sterling
Absent :	None

Rule 14g:

Councilmember Dages stated it was not appropriate to restrict Councilmembers and made a motion to delete the rule. Councilmember Perea spoke in support and seconded the motion. Councilmember Calhoun clarified this has been in the rules and it had not been made a big deal of, stated he would like to see more enforcement of the rule, stated it was a reasonable rule and would not "shut anybody up", and requested it not be deleted stating Council lived with it before. Upon question of President Boyajian, Councilmember Dages clarified his motion.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the first sentence in Rule 14g amended to read: "A Councilmember may not speak more than twice on the same motion without leave...etc." (deleting the words: "...longer than three minutes, nor such a member speak.."), by the following vote:

Ayes :	Castillo, Dages, Perea, Boyajian
Noes :	Calhoun, Duncan, Sterling
Absent :	None

Rule 16a:

Councilmember Perea questioned if Rule 16a would apply to the Mayor/City Manager's office under subsection b, with Ms. Montoy responding it would not and explained **(6 - 0)**.

Rule 11c and 11d:

Acting President Castillo questioned if there were any suggestions in Roberts Rules of Order on what the Council

President could do in the event a member of the Council addresses someone other than the Presiding Officer or when a person is determined by the Council President to be out of order, and stated he would like to see some suggestions on what remedies are available to the Council President. Ms. Montoy responded and stated she would follow-up and report to Council with general guidance.

A motion and second was made to approve the remaining Rules of Procedure.

Rule 11f:

Assistant City Manager Souza clarified Rule 11f was taken from the Fresno Municipal Code and to implement that the two metal arms would be replaced this summer with doors with latches which the Council President would have the release for, and responded to questions of Councilmember Dages relative to why this was being done.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-137 establishing Rules of Procedure for the City Council hereby adopted, *as amended throughout during discussion*, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(3-B) * BILL NO. B-36 - ORDINANCE NO. 2003-49 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE REGULATION OF VEHICLE SALE ACTIVITY

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Bill No. B-36 adopted as Ordinance No. 2003-49, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(3-A) ADOPT RESOLUTIONS PERTAINING TO CITY OF FRESNO ENTERPRISE ZONE EXPANSION

1. RESOLUTION NO. 2003-138 - AUTHORIZING THE 21ST EXPANSION OF THE CITY OF FRESNO ENTERPRISE ZONE ADDING VALLEY IRON, INC. (APN 329-090-01)

2. RESOLUTION NO. 2003-139 - AUTHORIZING THE 22ND EXPANSION OF THE CITY OF FRESNO ENTERPRISE ZONE, DIVIDING THE REMAINING 77.7 ACRES AMONG INTERNATIONAL CO-PACK (APNs 313-051-02, 03, 04 & 26), KROGER (APN 437-283-27), AND FASTENAL (PORTION OF APN 310-040-10), AS THE NEED ARISES AND ON A HIGHEST AND BEST USE BASIS

HECD Director Burkhardt reviewed the issue as contained in the staff report as submitted, clarified staff was asking for more latitude on Resolution #2 with the three applicants and expanded on each business, and stated if the City does not move forward jobs would be lost, the plants would close and leave the state, and the program would be halted in Sacramento and the City would not be able to expand at all.

Speaking to the issue were: an Ernston Young representative, on behalf of Kroger, who spoke in support of expanding to Kroger and spoke to the resulting jobs and additional stores committed to; and Barbara Hunt, 2475 S. Walnut, who spoke in opposition to the issue.

Mr. Burkhardt responded briefly to questions of Councilmembers Dages and Perea relative to when the Enterprise Zone program would sunset, the three companies in Resolution #2, and staff priorities/recommendation for acreage.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-138 and 2003-139 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(3-C) * BILL NO. B-37 - ORDINANCE NO. 2003-40 - REPEALING AND ADDING SECTION 9-805 OF THE FRESNO MUNICIPAL CODE RELATING TO UNLAWFUL DUPING

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Bill No. B-37 adopted as Ordinance No. 2003-40, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(3-D) RESOLUTION NO. 2003-140 - APPROVING FINAL MAP OF TRACT NO. 5109 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PHASE V OF VESTING TENTATIVE TRACT MAP NO. 4570, SOUTHWEST CORNER OF E. CHURCH AND S. SUNNYSIDE AVENUES

Upon question of President Boyajian, City Attorney Montoy and Assistant City Manager Souza stated the matter was ready for action and clarified it was not placed on the consent calendar due to a timing issue and action by Fresno county.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2003-140 hereby adopted; the Public Works Director authorized to execute the Subdivision Agreement, the Statement of Covenants Affecting Land Development for Landscape Maintenance, and the Statement of Covenants Affecting Land Development for Temporary Drainage Facilities; and the Planning and Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the Time of Issuance of Certificates of Occupancy and Creation of Lien, and the Statement of Covenants Affecting Land Development for Front Yard Trees, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY IRENE SOTO, 2087 N. THORNE, REGARDING CONCERNS WITH THE HERNDON AVENUE CONSTRUCTION PROJECT'S IMPACT ON TRANSIT/BUS SERVICE AND NEED FOR ALTERNATE ROUTES

Appearance made with Assistant City Manager Souza stating transit staff would contact Ms. Soto on alternate routes.

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, RELATIVE TO STATE FUNDING FOR LOW INCOME HOME BUILDING GOALS, CONCERN WITH SOUTHWEST FRESNO DELETED FROM THE GENERAL PLAN, THE ENTERPRISE AND EMPOWERMENT ZONES, AND VIOLATION OF HER BROWN ACT RIGHTS

Appearance made.

SB 780 RELATING TO RED LIGHT CAMERAS AND DRIVER LIABILITY - COUNCILMEMBER CALHOUN

Councilmember Calhoun distributed a copy of a letter he sent to the State legislature indicating his support for SB 780 and spoke to the Bill. Upon question of Councilmember Duncan, City Attorney Montoy stated she was fairly certain the City would have to comply with the law if passed.

(1) COMMENDING THE KINGS CANYON CRUISING/LOW RIDER EVENT, AND (2) ANNOUNCEMENT OF THURSDAY'S OPENING OF HOME DEPOT IN THE RIVER PARK SHOPPING CENTER AREA - COUNCILMEMBER DUNCAN

Commendation and announcement made.

COMMENDATION TO CITY ATTORNEY MONTOY FOR HER ASSISTANCE WITH COUNCIL RULES OF PROCEDURE - COUNCILMEMBER DAGES

Commendation made

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RECESS - 3:36 P.M. - 3:45 P.M.

(11:00 A.M.) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. MAI THAO, ET AL. V. CITY OF FRESNO, ET AL.

2. CITY OF FRESNO, FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY, A JOINT EXERCISE OF POWERS AGENCY V. PETER T. STRAVINSKI, KIMBERLY D. STRAVINSKI, ET AL. (PALM LAKES)

(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: FRESNO CITY EMPLOYEES' ASSOCIATION (FCEA)

(C) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME UNSPECIFIED: CITY OF FRESNO V. FRESNO COUNTY FIRE PROTECTION DISTRICT, ET AL.

(D) CLOSED SESSION WITH THE REDEVELOPMENT AGENCY AND THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY:

PROPERTY: APN 493-020-13S, OWNED BY FRESNO PALM LAKES, LTD.; APN 493-020-12S, OWNED BY SUNNYVALE/FRESNO LAKE RIDGE INVESTMENTS, LLC; APNs 493-061-01S THROUGH 493-061-13S, OWNED BY POOROUSHASB AND PARMA PARINEH; APN 493-062-01S, OWNED BY TRENWAY, INC.; APNs 493-062-02S THROUGH 493-062-19S, OWNED BY POOROUSHASB AND PARMA PARINEH; AND APN 493-020-18S OWNED BY POOROUSHASB AND PARMA PARINEH

NEGOTIATORS: ANDY SOUZA, DAN FITZPATRICK, MARLENE MURPHY

NEGOTIATING PARTIES: SUNNYVALE/FRESNO LAKE RIDGE INVESTMENTS, LLC; POOROUSHASB AND PARMA PARINEH; TRENWAY, INC.

UNDER NEGOTIATIONS: TERMS AND CONDITIONS TO ACQUIRE COVENANTS FOR LIGHT AND AIR AND OTHER EASEMENTS THAT AFFECT THE SUBJECT PROPERTIES

The City Council met in regular closed session and joint closed session in Room 2125 at the hour of 3:45 p.m. to consider the above issues and adjourned thereafter.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:07 p.m. having arrived and hearing no objection, President Boyajian declared the meeting adjourned.

APPROVED on the 13th day of May, 2003.

ATTEST:

Tom Boyajian, Council President

Yolanda Salazar, Assistant City Clerk